

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claim 2 and 29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,172,446 to Bucalo (hereinafter "Bucolo") in view of U.S. Patent No. 3,540,433 to Brockman (hereinafter "Brockman") and further in view of U.S. Patent No. 4,206,000 to Schuchardt et al., (hereinafter "Schuchardt"). Additionally, the Examiner rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Bucolo, Brockman and Schuchardt and further in view of U.S. Patent No. 4,309,782 to Paulin (hereinafter "Paulin"). The Examiner also rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Bucolo, Brockman and Schuchardt and further in view of U.S. Patent No. 4,445,235 to Slover et al., (hereinafter "Slover"). Lastly, the Examiner rejects claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Bucolo, Brockman and Schuchardt and further in view of U.S. Patent No. 6,632,175 to Marshall (hereinafter "Marshall").

In response, claims 2, 10, 29 and 31 have been canceled, thereby rendering the rejections thereof moot.

However, new claims 44-53 have been added to further define the patentable invention. New claims 44-53 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 44-53.

The Applicants respectfully submit that the prior art does not disclose or suggest a medial capsule retrieval device comprising a holding unit for holding a medical capsule discharged from within a human body.

Thus, Applicants respectfully submit that new claim 44 patentably distinguishes over the prior art for at least such reasons and is allowable and that claims 45-53 are at least allowable as being dependent therefrom.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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